

State of New Jersey
Department of Labor and Workforce Development
Board of Review

MEMORANDUM

To: Cornelia Calderone, Chair, Joseph Sieber,
Vice Chair, and Frank Serico, Member

From: Gerald Yarbrough, Executive Secretary
Board of Review

Subject: Minutes of the March 15, 2006
Board of Review Meeting

Date: March 20, 2006

THESE MINUTES HAVE NOT BEEN FORMALLY APPROVED AND ARE SUBJECT TO
CHANGE OR MODIFICATION BY THE BOARD OF REVIEW AT ITS NEXT MEETING.

1. **FORMAL OPENING:** A regular meeting of the Board of Review, Department of Labor was held on Wednesday, March 15, 2006 at 9:00 a.m. at the Board of Review offices, Labor Building, John Fitch Plaza, 7th Floor, Large Conference Room, Trenton, New Jersey. Notice of said meeting was posted in the Board of Review's office, filed with the Secretary of State, and published annually in The Trenton Times and The Star Ledger. It was noted that the next regular meeting of the Board of Review is scheduled for Wednesday, March 22, 2006 at 9:00 a.m. at the Board of Review offices, Labor Building, John Fitch Plaza, 7th Floor, Large Conference Room, Trenton, New Jersey.

Roll Call: Present: Ms. Calderone, Chair
Mr. Sieber, Vice Chair
Mr. Serico, Member
Mr. Yarbrough, Executive Secretary

2. Following a motion by Mr. Serico and seconded by Mr. Sieber, the minutes of the March 8, 2006 meeting were approved.

3. Old Business
(a) 95, 755

This matter was previously discussed and involved a claimant who left work voluntarily as a result of restructuring at the worksite. Specifically, the claimant was advised she was to report to a newly hired administrator. The Board noted that additional testimony is needed on the restructuring. Also, the record is lacking in regard to audibility. After discussion, the Board voted to remand the case for additional testimony. Mr. Sieber will prepare the remand.

4. New Business

(a) 69, 102

Mr. Morley presented this case that involved a claimant who suffered a work related injury and was unable to return to work without ergonomic accommodations by the employer. The Appeal Tribunal had held the claimant disqualified for benefits under N.J.S.A. 43:21-5(a). The Board noted that the claimant did not report to work when the employer did not take any action regarding the accommodations. After discussion, the Board voted to reverse the Appeal Tribunal. Mr. Serico will prepare the decision.

(b) 95, 692

This matter was tabled for further review by Mr. Sieber.

(c) 86, 867

Ms. Gagliardo described this case that involved a claimant who was employed as an assembly line worker. The claimant had problems with her feet as a result of wearing steel toe boots as required by the employer. Her physician certified that the problems were the result of the boots. The Appeal Tribunal had held the claimant disqualified for benefits under N.J.S.A. 43:21-5(a). After discussion, the Board concluded that the claimant had good cause attributable to the work for leaving and voted to reverse the Appeal Tribunal. Ms. Gagliardo will prepare the decision.

(d) 91, 413

As presented by Mr. Maddow, this case involved a claimant who left work as a result of comments made by the employer. The Appeal Tribunal had held the claimant not disqualified for benefits under N.J.S.A. 43:21-5(a). After discussion, the Board voted to affirm the Appeal Tribunal.

(e) 96, 761

As described by Mr. Maddow, this case involved a claimant whose medical condition was aggravated by the work. The Appeal Tribunal had held the claimant not disqualified under N.J.S.A. 43:21-5(a). After discussion, the majority of the Board voted to affirm the Appeal Tribunal. Mr. Serico did not agree.

(f) 97, 970

Ms. Barnwell presented this case that involved a claimant who was employed on a full-time basis prior to going on a medical leave of absence. The claimant was approved to return to work on a part-time basis. However, the employer did not have any full-time work. The claimant did not provide additional medical documentation as requested by the employer, and was separated by the employer as of October 26, 2005 because she could not perform full-time work. The Appeal Tribunal had held the claimant disqualified for benefits under N.J.S.A. 43:21-5(a). The Board noted that the claimant showed an intent to sever the employer -

employee relationship when she filed a claim for unemployment benefits prior to the time she was separated by the employer. As a result, the Board voted to affirm the Appeal Tribunal.

5. Public Portion

The Board discussed with Mr. Hugh O'Hare, Chief Appeals Examiner and Kathleen Wardell, Unemployment Insurance Technician, that the Appeal Tribunal and Board of Review decisions would be helpful in training claims examiners.

There being no further business to transact, a motion was made by Mr. Sieber to adjourn the meeting. Mr. Serico seconded the motion.

SUBMITTED FOR APPROVAL:

Gerald Yarbrough
Executive Secretary